

1 DANIEL G. BOGDEN  
2 United States Attorney  
3 District of Nevada  
4 JEAN M. TURK CSBN 131517  
5 Special Assistant United States Attorney  
6 160 Spear Street Suite 800  
7 San Francisco, California 94105  
Telephone: (415) 977-8935  
Facsimile: (415) 744-0134

8 Email: jean.turkk@ssa.gov

9 ATTORNEYS FOR DEFENDANT

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 CHRISTOPHER RAY LEGARZA,  
13 Plaintiff,

14 v.

15 CAROLYN W. COLVIN, Acting  
16 Commissioner of Social Security,

17 Defendant.

) No. 3:15-CV-00567 RCJ VPC  
)  
)) **STIPULATION FOR THE AWARD**  
)) **AND PAYMENT OF ATTORNEY**  
)) **FEES AND COSTS PURSUANT TO**  
)) **THE EQUAL ACCESS TO**  
)) **JUSTICE ACT, 28 U.S.C. § 2412(d),**

)

)

)

20 Plaintiff, CHRISTOPHER RAY LEGARZA (“Plaintiff”) and defendant  
21 CAROLYN W. COLVIN, Acting Commissioner of Social Security (“Defendant”),  
22 through their undersigned counsel of record, HEREBY STIPULATE AND AGREE,  
23 through their attorneys, Daniel S. Jones acting on behalf of the Law Office of Binder and  
24 Binder, P.C. attorneys for Plaintiff, and Jean M. Turk, Special Assistant United States  
25 Attorney, attorney for defendant, subject to the approval of the Court, that Plaintiff be  
26 awarded attorney fees and costs in the amount of THREE THOUSAND NINE  
27 HUNDRED DOLLARS AND NO CENTS (\$3,900.00), under the Equal Access to  
28 Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of FOUR  
HUNDRED DOLLARS AND NO CENTS. This amount represents compensation

1 for all legal services rendered on behalf of Plaintiff by counsel in connection with  
2 this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

3 After the Court issues an order for EAJA fees to Plaintiff, the government will  
4 consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's counsel,  
5 Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91  
6 (2010), the ability to honor the assignment will depend on whether the fees are  
7 subject to any offset allowed under the United States Department of the Treasury's  
8 Offset Program. After the order for EAJA fees is entered, the government will  
9 determine whether they are subject to any offset.

10 Fees shall be made payable to Plaintiff, but if the Department of the Treasury  
11 determines that Plaintiff does not owe a federal debt, then the government shall cause  
12 the payment of fees, expenses and costs to be made directly to counsel, pursuant to the  
13 assignment executed by Plaintiff. Any payments made shall be delivered to counsel.

14 This stipulation constitutes a compromise settlement of Plaintiff's request for  
15 EAJA attorney fees, and does not constitute an admission of liability on the part of  
16 Defendant under the EAJA or otherwise. Payment of the agreed amount shall  
17 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or  
18 counsel including counsel's firm may have relating to EAJA attorney fees in  
19 connection with this action.

20 This award is without prejudice to the rights of counsel and/or counsel's firm  
21 to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the  
22 savings clause provisions of the EAJA.

23  
24 DATE: September 30, 2016

Respectfully submitted,

25 BY: /s/ Daniel S. Jones  
26 DANIEL S. JONES of the  
27 Law Firm of Binder and Binder, P.C.  
28 Attorney for Plaintiff  
Email Authorization Given on Sept. 29, 2016

1 DANIEL G. BOGDEN  
2 United States Attorney

3 /s/ Jean M. Turk  
4 JEAN M. TURK  
5 Special Assistant United States  
6 Attorney for Defendant

1 DANIEL G. BOGDEN  
2 United States Attorney  
3 District of Nevada  
4 JEAN M. TURK CSBN 131517  
5 Special Assistant United States Attorney  
6 160 Spear Street Suite 800  
7 San Francisco, California 94105  
Telephone: (415) 977-8935  
Facsimile: (415) 744-0134

8 Email: jean.turkk@ssa.gov  
9 ATTORNEYS FOR DEFENDANT

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 CHRISTOPHER RAY LEGARZA,

13 Plaintiff,

14 v.

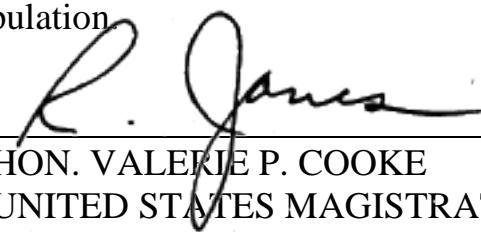
15 CAROLYN W. COLVIN, ACTING  
16 COMMISSIONER OF SOCIAL  
17 SECURITY,

18 Defendant.

19 ) No. CV 3:15-CV-00567 RCJ VPC  
20 ) [PROPOSED] ORDER AWARDING  
21 ) EQUAL ACCESS TO JUSTICE ACT  
22 ) ATTORNEY FEES AND COSTS,  
23 ) PURSUANT TO 28 U.S.C. § 2412(d)

24 Based upon the parties' Stipulation for the Award and Payment of Equal Access  
25 to Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees and expenses in  
the amount of \$ 3,900.00 and costs of \$400.00 as authorized by 28 U.S.C. § 2412, be  
awarded subject to the terms of the Stipulation.

26 DATED: 6<sup>th</sup> day of December, 2016.

27   
28 HON. VALERIE P. COOKE  
UNITED STATES MAGISTRATE JUDGE